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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 LOS ANGELES DIVISION

13 ANNE CANNON,
14 AND ALL OTHERS
15 SIMILARLY SITUATED,

16 *Plaintiffs,*

17 v.

18 TELE PAY USA, and
19 JUAN SOTO aka JUAN ORTIZ

20 *Defendants.*

21 Civil Action
22 FILE NO: 2:17-cv-04740-AB-RAO

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28 **DECLARATION OF KATHERINE M. HOLIDAY**

29 I am one of the attorneys of record for Plaintiff Anne Cannon. I have personal
30 knowledge of the facts set forth below and if called upon as a witness, I could and would
31 testify competently thereto. In support of Plaintiff’s Motion for Entry of a Default
32 Judgment and in accordance with Local Rule 55-1, I state that:

1. The Servicemembers Civil Relief Act does not apply. Attached as Exhibit 1 are the SCRA search results showing that Juan Soto aka Juan Ortiz is not an active military member.

2. Juan Soto aka Juan Ortiz is not an infant or incompetent person. He is over 18 years old and president of a company.

3. As set forth in the return of service form filed with the Clerk as Docket No. 30 on November 27, 2017, the summons and first amended complaint were served on Juan Soto aka Juan Ortiz making the answer or responsive pleading due on December 18, 2017.

4. Juan Soto aka Juan Ortiz has not filed an answer or some other responsive pleading or entered an appearance.

5. On December 27, 2017, the Clerk entered a Default by Clerk for Juan Soto aka Juan Ortiz, Docket No. 35

6. The Notice of Motion, Motion for Entry of Default as to Juan Soto aka Juan Ortiz, Declaration of Anne Cannon, and Declaration of Katherine Holiday were served by U.S. Mail on March 27, 2018 on Juan Soto aka Juan Ortiz 3178 Hadley Drive Mira Loma, CA 91752

7. This statement is true and signed under the penalty of perjury.

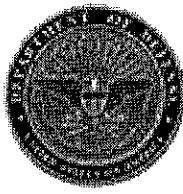
Dated: 3/27/18
Signed: Katherine Holiday
Katherine M. Holiday

CERTIFICATE OF SERVICE

I, Katherine M. Holiday, certify that Declaration of Katherine Holiday was served by U.S. Mail on March 27, 2018 on:

Juan Soto aka Juan Ortiz 3178 Hadley Drive, Mira Loma, CA
91752

By: s/Katherine Holiday
Katherine Holiday



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-2983

Birth Date:

Last Name: SOTO

First Name:

Middle Name:

Status As Of: Mar-27-2018

Certificate ID: 3DVFXP26XJ9NFFM

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects the individual's active duty status based on the Active Duty Status Date

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA

This response reflects whether the individual or his/her unit has received early notification to report for active duty

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director
Department of Defense - Manpower Data Center
400 Gigling Rd.
Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. ? 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. ? 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC ? 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC ? 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

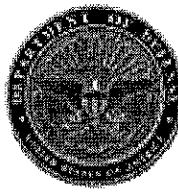
Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC ? 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-2983

Birth Date:

Last Name: ORTIZ

First Name:

Middle Name:

Status As Of: Mar-27-2018

Certificate ID: 34VMPZXPLN7XN3J

On Active Duty/On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date.			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date.			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty.			

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